

### REMARKS

Applicants would like to thank the Examiner for the courtesies extended during the interview of February 22, 2008 (the "Interview"). In light of the discussion which took place during the Interview, in combination with the remarks set forth herein, Applicants believe that the pending claims recite limitations which are not taught or suggested in the art of record. Accordingly, Applicants request that the pending rejections be withdrawn, and that the claims be allowed in their current form.

The previously filed claims have been amended in accordance with the marked-up amendments, above. The amendments are fully supported by the specification, claims, and figures as originally filed. More specifically, the antecedent basis for the amendments to independent claims 1, 13, and 17 is found at paragraphs [0020]-[0022], [0026]-[0027], and [0031], as well as the remaining sections of the specification. No new matter is believed or intended to be involved.

The Office Action mailed January 15, 2007 ("Office Action") rejected claims 11 and 12 under 35 U.S.C. § 112, ¶ 2 for having insufficient antecedent basis for "the first response." The Office Action rejected claims 1-12, 17, and 18 under 35 U.S.C. 102(b) as being anticipated by U.S. 6,167,255 ("Kennedy"), claims 13-16 under 35 U.S.C. 102(e) as being anticipated by U.S. Publication 2004/0088167 ("Sartini"), and claims 19-20 under 35 U.S.C. 103(a) as being unpatentable over Kennedy in view of Sartini. For at least the reasons forth below, Applicants traverse each of those rejections, and request that they be withdrawn, and that the pending claims be allowed in their current form.

### §112 Rejection

Claims 11 and 12 have been amended such that the claims no longer read "the first response." Accordingly, Applicants contend that the Examiner's arguments regarding claims 11 and 12 are now moot and requests that the rejections under §112 be withdrawn. Antecedent basis for the amendments to claims 11 and 12 can be found in the Application, including at paragraph [0020]. No new matter is believed to be or intended to be involved.

## §102 Rejection

In the Office Action dated January 15, 2008, claims 1-12, 17-18 were rejected under 35 U.S.C. §102(b) as being unpatentable over Kennedy (U.S. 6,167,255). Claims 13-16 were rejected under 35 U.S.C. §102(e) as being unpatentable over Sartini (U.S. Pub. 2004/0088167).

Under MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. In addition, the elements in the prior art reference must be arranged as required by the claim. MPEP 2131 (emphasis added).

## Kennedy

Applicants submit that Kennedy fails to teach or suggest all of the limitations recited in amended independent claim 1. Kennedy is titled a “System and Method for Providing Menu Data Using a Communication Network.” Kennedy describes the system disclosed as including “mobile units, a network, switching center, and service centers to provide a variety of enhanced services to the mobile units.” (Abstract). More specifically, Kennedy teaches “a communication system 10 that includes a number of mobile units 12 coupled to a network switching center (NSC) 14 and a number of service centers 16 by a voice network 18 and, optionally, a data network 20.” (Column 3, Lines 59-62). FIG. 1, as pictured below, illustrates system 10 as disclosed by Kennedy.

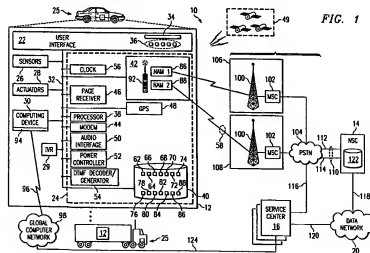


FIG. 1 – Figure 1 of Kennedy

To retain information related to the operation of the system 10, Kennedy teaches generating separate data logs for individual communication sessions. Each data log contains time-stamped information consisting of “when the call was initiated, when the connection to NSC was made, how much data was sent and received, when the call switched to voice mode, switched back to data mode, and/or when the call was completed.” (Column 5, Lines 22- 39). Kennedy further stipulates that each data log may include the GPS position, current SID, and failed call attempts (Column 5, Lines 29-33).

In the Office Action, the Examiner cited this section of Kennedy (column 5, lines 22-39) when rejecting previously presented claim 1. Upon review of Kennedy, it appears that this section is the only section even remotely related to managing data in the operation of processing user inquiries. As shown, Kennedy merely discloses generating individual data logs for each individual communication session. Kennedy does not disclose any method for compiling information regarding a plurality of communication sessions.

In contrast to Kennedy, amended claim 1 comprises a system for processing user inquiries that utilizes “categorized responses” and “identifiers.” The system of amended claim 1 further comprises an analysis database configured to store “first data relating to the categorized responses” and “second data relating to the identifiers” of the response systems. The analysis database communicates information to a report generator configured to generate an interactive report. The report generator uses the categorized responses of the response systems to generate a report comprising “a plurality of categories, wherein each category corresponds to a response system, a categorized response, an identifier of a categorized response, or a combination thereof.”

As mentioned earlier, the Examiner cites the above-referenced section of Kennedy (column 5, Lines 22-39) as largely anticipating previously presented claim 1, specifically the analysis database and report generator. This characterization of Kennedy is not accurate in view of currently amended claim 1. First, Kennedy does not disclose categorizing responses or assigning identifiers to respective response systems. Kennedy discloses creating data logs for individual communication sessions (Column 5, Lines 22-23). Second, Kennedy does not disclose sending data relating to the categorized responses and identifiers to an analysis database. Kennedy merely teaches time stamping information consisting of “when the call

was initiated, when the connection to NSC was made, how much data was sent and received, when the call switched to voice mode, switched back to data mode, and/or when the call was completed.” (Column 5, Lines 24- 28). Third, Kennedy does not teach generating a report of any kind directed at displaying “categories, wherein each category corresponds to a response system, a categorized response, an identifier of a categorized response, or a combination thereof.” Kennedy teaches the opposite by limiting the system to compiling information regarding an individual communication session, not the system as a whole.

Overall, generating separate data logs for individual communication sessions to contain time stamped information as disclosed by Kennedy does not anticipate a system claimed in amended claim 1. The system claimed in amended claim 1 is directed towards holistically managing data relating to the processing of user inquiries by generating an interactive report. To generate the data necessary to generate the report in amended claim 1, categorized responses and related identifiers must be used in some form. These categorized responses and related identifiers span more than just an individual data log. Therefore, in the system claimed in claim 1, one can view data regarding more than one individual communication session. Accordingly, Kennedy fails to anticipate or even suggest claim 1 in accordance with MPEP 2131. Applicants therefore respectfully requests that the rejection of claim 1 be withdrawn.

Dependent claims 2-12 are dependent from claim 1. Therefore, Kennedy also does not anticipate these dependent claims for failing to teach at least one feature of independent claim 1.

Applicants submit that Kennedy fails to teach or suggest all of the limitations recited in amended independent claim 17. Amended claim 17 claims a system for processing user inquiries by incorporating categorized responses and related identifiers. The system of amended claim 17 comprises an analysis database configured to store data relating in some form to the categorized responses and the identifiers associated with the categorized responses or response systems. The analysis database provides the data to a report generator configured to generate a report including at least one recommendation regarding at least one response system.

In one embodiment of the system claimed in new claim 23, the report further comprises “an overlaid contact graph comprising a plurality of shapes, wherein each shape comprises dimensions corresponding to the data stored in the analysis database.” In another embodiment of the system claimed in new claim 24, the at least one recommendation is selected from the group consisting of communicating that it is necessary to change a business process, change a response system, send this type of transaction to a specified response system, enhance the handling of a customer contact, automate the response to the customer, do not change the business process, and any combination thereof.

As mentioned previously, Kennedy does not teach any system using categorized responses, system identifiers, an analysis database, or a report generator. Kennedy only discloses generating separate data logs for individual communication sessions. These reports contain “when the call was initiated, when the connection to NSC was made, how much data was sent and received, when the call switched to voice mode, switched back to data mode, and/or when the call was completed.” (Column 5, Lines 24- 28). Kennedy’s disclosure of creating separate data logs does not anticipate the system claimed in amended claim 17. The system claimed in amended claim 17 is directed towards a system for holistically managing data relating to the processing of user inquiries using categorized responses and system identifiers. Kennedy does not disclose generating reports of any kind, let alone a report generating recommendations regarding at least one response system. Accordingly, Kennedy fails to anticipate or even suggest claim 17 in accordance with MPEP 2131. Applicants therefore respectfully request that the rejection of claim 17 be withdrawn.

Dependent claim 18 is dependent from claim 17. Therefore, Kennedy also does not anticipate claim 18 for failing to teach at least one feature of independent claim 17.

#### Sartini

Claims 13-16 were rejected under 35 U.S.C. §102(e) as being unpatentable over Sartini (U.S. Pub. 2004/0088167). In the Office Action, the Examiner cited paragraphs [0039-0046] of Sartini. Paragraph [0039] reads in part that “the voice recognition data interface module 200, at the request of a user on the view/interface device 300, interacts with the voice portal 100, and specifically the logging module 150, to retrieve data associated with one or more sessions.” Sartini goes on to teach that the user retrieves data by requesting a search be performed. Requesting a search requires selecting individual call logs, a group of

call logs, or all call logs. Paragraph [0044] specifically states that “a plurality of selectable logs 400 are presented for selection by a user.” Sartini teaches displaying the search results according to each individual call log. Sartini does not teach displaying the search results according to a categorized response, an identifier, a response system, or a combination thereof.

For a visual demonstration of Sartini, please see figures 2-9 of Sartini. Figures 2 and 5 of Sartini are respectively provided for your convenience as FIGS. 2 and 3. Figure 2 of Sartini shows that the user must first select a log or series of logs to search. Figure 2 is pictured below.

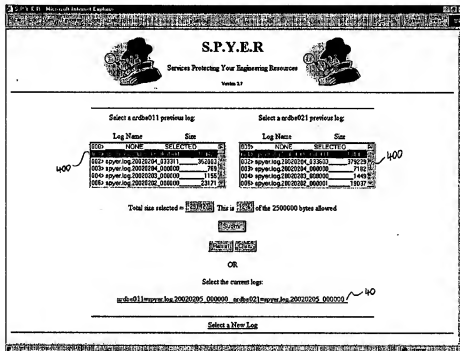


FIG. 2 – Figure 2 of Sartini

After searching the selected log(s), the search results are provided to the user in tabulated form according to an individual call session within a call log. The search results are shown in figure 5 of Sartini as provided on page 13 of this response. Paragraph [0046] of Sartini states that the table displays data including the following: “when the session was started 470, a status as to whether the current session is in progress 480, a column indicating the current/final duration of session 490, the type of interface device used to access the voice

recognition system 500, the source of the session 510, such as the ANI of a caller, the access number 520 dialed by the caller, the remote address 530 and the applications 540 that were executed during the session.” A summary 550 is also provided. The summary 550 does not relate to the responses sent after receiving a user inquiry. The summary discloses the number of sessions found during the filtering. Essentially, Sartini discloses a filter for call logs.

FIG. 3 - Figure 5 of Sartini

A method comprising the features of amended claim 13 is not anticipated by the method disclosed by Sartini. First, the method of amended claim 13 comprises providing a user with categorized responses having at least one identifier. Sartini does not disclose using categorized responses having an identifier. Second, the method of amended claim 13

comprises storing the identifiers relating to the categorized responses and the response systems in an analysis database. Sartini does not disclose this. Sartini discloses storing information in a logging module (paragraph [0034]). Sartini states that the logging module “can record the date and time of the session, originating telephone number information, caller login information, the type of services accessed in the voice portal 100, prompts, played to the caller, utterances spoken by the caller, voice recognition result information, system responses, and the like.” Nowhere in this description does Sartini disclose using an analysis database to store identifiers. Sartini does reference storing system responses. This disclosure by Sartini explicitly teaches the opposite of amended claim 13. Amended claim 13 uses categorized responses having identifiers to process user inquiries. Using categorized responses permits managing data spanning more than one individual communication session or individual call log. Therefore, merely recording the audio or text responses provided by a response system does not anticipate using categorized responses.

Finally, amended claim 13 comprises utilizing identifiers from the analysis database to generate a report. The report is capable of summarizing information spanning multiple call logs and communication sessions. The report comprises a plurality of categories corresponding to a categorized response, an identifier, a response system, or a combination thereof. The plurality of categories is proportionally sized, for example as seen in FIG. 4.

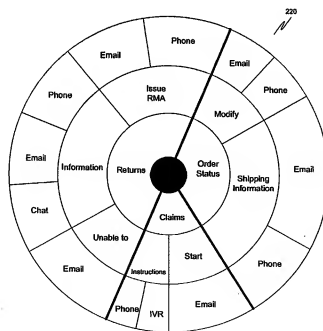


FIG. 4 – Figure 5 of the instant application.



As shown in FIG. 4, the user need not select call logs or sift through call sessions to otherwise manage data. Alternatively, the user may holistically manage data by reviewing a report. In contrast, Sartini discloses filtering selected call logs, as previously shown in FIG. 2 on page 11, to produce tabulated search results separated by call session, as shown in FIG. 5 on page 12. Therefore, Sartini does not disclose generating a report of the kind claimed in amended claim 13.

Accordingly, Sartini fails to anticipate or suggest claim 13 in accordance with MPEP 2131. Applicants therefore respectfully request that the rejection of claim 13 be withdrawn.

Dependent claim 16 is dependent from claim 1. Therefore, Kennedy also does not anticipate claim 16 for failing to teach at least one feature of independent claim 13. Dependent claims 14 and 15 are now cancelled.

#### §103 Rejection

The Office Action also rejected claims 19-20 under 35 U.S.C. 103(a) as being unpatentable over Kennedy in view of Sartini. Claim 19 is now cancelled making the Examiner's arguments regarding claim 19 moot.

According to the most recent version of MPEP 2143, combining prior art elements according to known methods to yield predictable results requires proving the following:

- (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference;
- (2) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately;
- (3) a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable; and

- (4) whatever additional findings based on the *Graham* factual inquires may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

The first requirement is that each element claimed is included in the combination of references. Here, the combination of references is Kennedy and Sartini. Applicants note that amended claim 20 depends, directly from claim 17, and therefore contains each limitation of claim 17. Accordingly, because claim 20 incorporates each limitation from claim 17 by virtue of their dependencies, the combination of references cited against claim 20 must also contain each limitation in claim 17.

The combination of Kennedy and Sartini does not disclose every element of amended claim 17. Amended claim 17 is directed towards a system for processing user inquiries. Amended claim 17 claims a system utilizing categorized responses and identifiers. The system of amended claim 17 comprises an analysis database configured to store data regarding user inquiries. The data relates at least in part to the categorized responses sent by a response system, the response systems themselves, the identifiers associated with the categorized responses or response systems, or any combination thereof. The database provides the stored data to a report generator configured to generate a report comprising at least one recommendation regarding at least one response system.

As mentioned previously, Kennedy does not anticipate claim 17. Combining Sartini with Kennedy does not obviate this failure. First, the system of amended claim 17 comprises response systems capable of providing categorized responses to user inquiries. In amended claim 17, the categorized responses comprise identifiers. Sartini does not disclose using a categorized response having an identifier. Second, the system of amended claim 17 comprises an analysis database configured to store data relating to the categorized responses, the response systems, and the identifiers. Sartini does not disclose this but instead describes storing information in a logging module (paragraph [0034]). Sartini states that the logging module “can record the date and time of the session, originating telephone number information, caller login information, the type of services accessed in the voice portal 100, prompts, played to the caller, utterances spoken by the caller, voice recognition result information, system responses, and the like.” Nowhere in this description does Sartini disclose using an analysis database to store the data described in amended claim 17.

Sartini does reference storing system responses. This disclosure by Sartini explicitly teaches the opposite of amended claim 17. Amended claim 17 uses categorized responses having identifiers to process user inquiries. Using categorized responses permits managing data spanning more than one communication session or call log. Merely recording the audio or text responses provided by a response system does not permit managing data spanning more than one communication session or call log.

Finally, amended claim 17 comprises a report generator configured to generate a report comprising at least one recommendation regarding at least one response system. Sartini does not disclose any report generator, let alone a report generator generating a report of this kind. Alternatively, Sartini merely discloses a means for filtering through call logs and communication sessions. As part of this filtering process, Sartini discloses a report building interface 710 in figure 10. Sartini describes the report building interface 710 in paragraph [0051] as being based on “one or more filters that can be applied to [particular] data.” Figures 11 and 12 of Sartini display the filtered results in tables. Sartini refers to the tables as reports. Obviously a report comprising at least one recommendation regarding at least one response system is not anticipated by the report building interface 710 in Sartini that filters selected data.

Applicants therefore submit that the combined art of record fails to teach or suggest all of the limitations of claim 17 in accordance with MPEP 2143. Accordingly, Applicants respectfully submit that the combined art of record fails to render present claims 17 obvious in accordance with MPEP 2143. Because claim 20 includes further limitations in addition to those recited in present claim 17, Applicants submit that the combined art of record also fails to render claim 20 obvious in accordance with MPEP 2143, and respectfully requests that the §103 rejection of claim 20 be withdrawn.

#### Conclusion

While several distinctions have been noted over the art of record, Applicants note that there are several other limitations recited in the present claims which are neither taught nor suggested by the art of record. Applicants expressly reserve all rights and arguments with respect to distinctions not explicitly noted herein. In addition, to the extent that the amendments constitute a narrowing of the claims, such narrowing of the claims should not be

construed as an admission as to the merits of the prior rejections. Indeed, Applicants traverse the rejections and preserve all rights and arguments. To the extent that any particular statement or argument by the Office in the pending Office Action has not been explicitly addressed herein, the same should not be construed as an acquiescence or admission by the Applicants that such statements or arguments by the Office are accurate or proper.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicants respectfully request reconsideration and an early notice of allowance. Should the Examiner wish to discuss the amendments or arguments made herein, Applicants invite the Examiner to contact the undersigned at (513) 651-6714 or via e-mail at ahahn@fbtlaw.com.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

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